REMARKS

With this amendment, claims to non-elected subject matter have been cancelled and the Title of the Invention has been amended accordingly. No new matter is added with this amendment. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Claim objections

The Examiner objects to claims 12-14 and asserts that the method of forming and testing the article are not germane to the issue of patentability and that these limitations have been given no weight.

The Examiner's comments are noted. However, Applicants maintain that the 90° Peel Release Force is a characteristic of the product and not the method.

Rejection under 35 U.S.C. § 102(b)

Claims 1-5, 9, and 11-12 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Reed.

The Examiner states that Reed discloses a multilayer release liner with a backing, a support layer covering the backing, and a silicone-containing layer covering the support layer. The silicone release composition in an aqueous dispersion contained 10-98% by weight of a curable silicone, about 1 –10% by weight of a crosslinking catalyst, and about 0.01 to 30% by weight of a water soluble polyethylene oxide. Specifically, Reed discloses that 54-81% of the silicone is in the release surface.

In order to have anticipation, all of the claim elements must be taught by the cited reference. In this case, Reed does not anticipate the present claims because Reed does not teach all of the claim limitations. Specifically, Reed does not teach a release liner which is multilayer. Reed teaches that an "aqueous coating emulsion of the silicone release polymer includes an effective amount of a thickening agent to promote holdout of the silicone from the porous substrate" (col. 6, lines 9-12). Essentially, Reed's teaching is drawn to addition of a thickener type reagent to the silicone. By adding a thickener, the flow of silicone into the paper pores is minimized. In Reed, the coating liquid is thickened to reduce the flow into the paper. This results in a single layer on top of the paper. While the Examiner states that Reed teaches a

support layer, what is taught in Reed is the use of a coated paper (see col. 8, lines 38-40, for example).

In contrast, Applicants teach a multilayer construct which has both a support layer and a silicone-containing layer. While there may be some intermixing, the release liner of Applicants is clearly multilayer as shown by Figures 16-17.

Applicants note that the teaching of Reed is drawn to an entirely different approach than the approach used by Applicants. In fact, Applicants note that the two approaches may be used together. That is, the silicone coating mixtures taught by Reed could be used for the silicone layer of the multilayer constructs taught by Applicants.

In conclusion, Reed does not teach a multilayer release film. Rather Reed teaches minimization of silicone use by enhancement of holdout properties.

In view of Applicants' arguments, reconsideration and withdrawal of this ground of rejection is respectfully requested.

Rejection under 35 U.S.C. § 103(a)

Claims 13-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Reed.

The Examiner asserts that while the 140° release test performed by Reed is not directly comparable to Applicants, the release force values are inherently the same and that even if the release force values are not inherently equivalent, Reed teaches that the release properties of the coated paper are a function of the amount of silicone remaining on the surface of the paper which may be modified based upon coat weight and composition of the peel coating. The Examiner asserts that it would have been obvious to modify the coat weight or composition in order to obtain release properties that fell within Applicants' range.

In response, there is no motivation provided by Reed to modify the coat weight and composition. Consequently, the cited reference does not provide a reasonable expectation of success that the invention as claimed could be achieved. Furthermore, as discussed above, Reed does not teach a multilayer release liner. Multilayer release liners are neither taught nor suggested by Reed. As discussed above, Reed takes a different approach than the approach taught by Applicants and it is impossible to compare Applicants' claimed invention to the invention described by Reed. Applicants note that holdout is highly dependent upon specific make of paper and on the adhesive used. These parameters are not provided by Reed's disclosure.

Applicants further note that incomplete coverage of the paper fibers is generally not discovered until the adhesive construct has been aged (weeks to months). Reed does not specify the type of release measurement that he used.

In view of the lack of data in Reed as discussed above, it is not possible to directly compare the multilayer release liners as taught by Applicants with release liners prepared according to the teaching of Reed. Inherency cannot be assumed in this case because the multilayer release liners of Applicants are different from the one layer silicone containing constructs taught by Reed. Consequently, they would not be expected to inherently have the same properties.

Furthermore, the release liners of the present invention have the advantageous properties that there is some dispersion between layers which facilitates binding (see present specification at page 12, lines 17-32). The increased dispersion decreases the propensity of the silicone layer to rub off or otherwise separate from the support layer. Because the coating parameters of the support layer and the silicone layer are tightly controlled, the degree of dispersion of the two layers is minimized to substantially the extent necessary to achieve desirable bonding between the support layer and the silicone layer without undue waste of dispersed silicone in the support layer. These advantages are neither taught nor suggested by the cited reference.

In view of Applicants' arguments, reconsideration and withdrawal of this ground of rejection is respectfully requested.

CONCLUSION

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 30, 2003

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